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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-9482-2021

Date of Decision: 26.10.2021

Kanchan Bala and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Sukhveer Kaur, Advocate for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

Both the petitioners seek protection of their life and liberty by contending that they have married each other against the wishes of their respective family members respondent Nos.4 & 5. They submitted a representation (Annexure P-5) in this regard to the Senior Superintendent of Police, Pathankot on 08.09.2021, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. Undisputedly, petitioner No.1 has crossed the age of majority as seen from the copy of her Aadhar Card (Annexure P-2), petitioner No.2 is yet to cross that age although he admittedly is in the 21st year of his life according to his Aadhar Card (Annexure P-3), and therefore, certainly appears to have attained the age of discretion. In identical circumstances, a Co-ordinate Bench of this Court had allowed a similar petition on the ground that since the relief is restricted only to protection of life and liberty, this Court, in exercise of its inherent jurisdiction under Section 482 of the Cr.P.C., is not required to go into the validity of the marriage between the concerned parties (**“Neelam Rani and another Vs. State of Haryana and**

others” 2011(1) R.C.R. (Civil) 636).

3. In support of their plea, the petitioners have placed on record marriage photographs (Annexure P-4) have been placed on record.

4. For the aforesaid reasons, this appears to be a fit case for this Court to invoke the inherent powers under Section 482 of the Cr.P.C. and in view of the mandate contained in Article 21 of the Constitution of India to protect the citizen's right to life and liberty.

5. Thus the Senior Superintendent of Police, Pathankot is directed to consider the representation dated 08.09.2021 (Annexure P-5) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

6. It is nevertheless clarified that this order is issued only on the premise that petitioner No.1 has crossed the age of majority and petitioner No.2 is in 21st year of his life as seen from the documents placed on record being their Aadhar Cards and Affidavit by petitioner No.1 in support of their marriage has been placed on record though they have not produced copy of their Marriage Certificate, this would not *ipso facto* amount to granting any seal of approval on the legality of their marriage which essentially would come in the domain of the concerned Matrimonial Courts. Further, they would not be entitled for any protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in commission of any cognizable offence(s).

7. The petition is disposed off with the above direction.

(SUDIP AHLUWALIA)
JUDGE

26.10.2021

Bhumika

1. Whether speaking/reasoned: Yes
2. Whether reportable: No